



FLORIDA PAROLE COMMISSION

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FLORIDA PAROLE COMMISSION Monthly Accomplishments' Report February 2011

~ MONTHLY RCR PENDING CASE UPDATE~

As of February 1, 2011, there were 100,654 pending RCR cases. There were 43,064 application cases and 57,590 EOS/TOS cases.

~FEATURED CASE~

On February 23, 2011, the Florida Parole Commission held an initial hearing in the case of Melanie Clarke, 152179, who was convicted of First Degree Murder and Aggravated Child Abuse and sentenced to Life with a 25 year minimum mandatory, to run concurrent. The facts of the case are that in 1987, with the exception of one small meal a day, a young boy (5 ½ years of age) from Tampa, Florida, was deprived of food on a daily basis for failing to demonstrate behavior that was expected of him by his father and step-mother. He was intentionally locked in a sparsely furnished room, deprived of human contact and held without food, drink and basic nourishment. The cause of the child's death was cardio-respiratory failure due to severe malnutrition and dehydration. The Commission set Inmate Clarke's Presumptive Parole Release Date at June 3, 2037. The Commission also set the next interview date for October 2012.

~CHAIR'S UPDATE~

February proved to be another productive and busy month for the Commission and its employees. The Leadership Team and Commission employees continued to push forward on several proposals and initiatives, and held and attended hearings and meetings with various stakeholders.

The Commission held its first Business Meeting of the year and heard from various representatives from the Department of Corrections (Department) regarding programs and initiatives, including risk assessments as well as transition classes and programs. These are of vital importance to the Commission in carrying out its responsibilities to the citizens of this state.

We continue to focus on educating the public and state leaders on the various roles and responsibilities of the Commission. Information has been provided to legislative aides/staff regarding the Commission and its various responsibilities, including Clemency and RCR. Our tri-fold document describing the duties and responsibilities of the Commission has been finalized and is ready for print. Commissioner Jenkins and staff accepted the challenge of taking on one of our top priorities, researching and producing a historical document and DVD to play in the waiting rooms. A team of Commission employees has been assigned to assist her with this project.

Quality Control and best-practices continue to be key components of our leadership efforts as we continue to conduct reviews of our systems and processes. We have two major projects underway with a targeted completion date of June 30. The first being our Imaging project and the second being Phases One and Two of the RCR Project. Additionally, we have established an Inmate Family Coordinator to assist the family members of inmates much like our victims' coordinator does for the families of victims. It is our goal that all who attends a Commission hearing will leave understanding what has transpired.

The Commission is also in the process of simplifying its docketing processes. Staff will be providing a docket/agenda for Commissioners to work from as opposed to creating individual vote sheets for Commissioners. This will result in a cost and time savings for this agency. It is the goal of Leadership to ensure that all routine matters are as streamlined and non-duplicative in nature as possible. It is important that when we stand before Legislative Committees and the Governor and Cabinet that we are confident we are doing all we can to ensure our tax dollars are being spent in the most prudent and fiscally responsible way.

Our RCR Initiative has been underway since November 1, 2010 and all paper applications have been entered into the system (8,000 plus applications since November 1, 2010); we are now wrapping up the entry of the on-line applications (approximately 3,000). On February 28, we began Phase Two of this important project which involves the actual screening of application cases for eligibility. Once these cases are screened and determined eligible, they will be forwarded to Clemency Investigations (formerly known as Clemency Administration). Much work remains to be done but we are addressing the pending caseload. This caseload did not happen overnight and it will not disappear overnight. All of these efforts have been accomplished by re-assigning staff and responsibilities and providing additional help with the phones, which averages 2,100 calls per month to the Office of Executive Clemency alone. A handful of interns from Florida State University's School of Criminology assist us.

As part of our efforts to encourage greater communication between the Chairman's Office and the staff in each of the Commission's sections/offices, each month I host a "Brown Bag" lunch or two with a "meet and greet" format. During the month of February, I lunched with staff from the Office of Executive Clemency and Clemency Investigations. These lunches afford me the opportunity to get to know our team better.

On February 17, 2011, I attended the joint meeting of the Statewide Child Abuse and Death Review Team and the Attorney General's Domestic Violence Fatality Review Team meeting held in Tampa. On February 24, the Commission participated in the first Clemency Meeting of the new Governor and Cabinet. The following day, the Commission welcomed The Honorable Nikki Clark, Judge, First District Court of Appeals as its special guest and speaker in its celebration of Black History Month.

~COMMISSION SECTION ACCOMPLISHMENTS~

Operations:

Release Services: During the month of February, 3 inmates were granted parole and 3 conditional medical releases were granted.

Revocations: During the month of February, 165 warrants were issued and 212 cases were reviewed and prepared for the Docket.

Educational Field Trip: The majority of revocations staff observed oral arguments at the First District Court of Appeals in January and February 2011.

Parolee Donald England (DC# 062616) violated his parole in 1985 by absconding and failing to pay restitution. In 1987, the subject was arrested in Indiana for new crimes, sentenced to state prison and the FPC warrant was lodged as a detainer against him. Subject completed service of his Indiana sentence on 12/12/2010 and was extradited to Florida on the FPC warrant. He is currently proceeding through the violation process.

Victim Services: During the last month Victims Services handled 269 victim requests for information on parole, conditional release and conditional medical cases. In addition, the office located 101 victims for parole, conditional medical and clemency cases.

Field Services:

Monthly interviews and hearings conducted:

Parole Interviews - 86

Revocations Interviews - 229

Revocation Hearings - 66

Total interviews and hearings during the month - 381

Monthly totals for **Imaging** Inmate Records (IRIS)

Completed Documents 17,974

Administration:

In addition to handling other routine administration matters, the Division of Administration completed and submitted to DMS the Drug Policy for FPC; conducted interviews for the Human Resource Administrator position; attended Personnel Officer, Purchasing Director and Director of Administration meetings; and coordinated training for Commissioners.

Clemency Investigations:

For the month of February 2011, the Office of Clemency Investigations has

- Continued out development work with DC OIT on developing enhancements to MACNet, our clemency database and case tracking system
- February 4, 11, and 18, 2011, clemency staff met with Department of Corrections OIT staff on specific requirements for the development of the FPC “Restoration of Civil Rights (RCR) at a Glance” application. This application is intended to be similar to the Department’s current “Inmate at a Glance,” where a single search can call up all potential data in CDC needed to conduct an RCR investigation. The goal is to provide assistance to parole examiners in

conducting eligibility investigations for the restoration of civil rights and to help increase accuracy and efficiency.

- On February 24, 2011, the Commission presented 53 clemency cases for the Board's consideration at the 1st quarterly Clemency Board Meeting.

Communications and Legislative Affairs:

The Office of Communications and Legislative Affairs, in preparation for the 2011 Legislative Session, and in the course of its daily operations, accomplished the following in the month of February 2011:

- Prepared PowerPoint presentations and handouts for various legislative committees and staff;
- Provided FPC informational/educational documents to legislative aides;
- Met with legislators on specific issues and sought bill sponsors for agency legislative proposals;
- Coordinated with the Governor's Communication's Office and other key Communication's Directors for Cabinet Members in preparation for the February 24, 2011, Clemency Board Meeting.

Executive Clemency:

The Office of Executive Clemency celebrated completion of Phase One of our Special Project of **entering** the paper applications which had been submitted from June 2010 to present. As a result, all of the applications have been entered into the MAC computer database and are easily tracked which provides a quicker, more efficient, customer service response. A total of 8,468 applications have been entered since November 1, 2010. We are now able to concentrate on the 3,000+ online application backlog and keep current with the weekly averaged receipt of approximately 150 paper applications. As of February 21st, 1,174 paper and online applications have been entered and OPS staff had responded to 1,359 telephone requests.

Phase Two of our Special Project, the screening of applications, has commenced which facilitates the next phase of the process. Applications screened as eligible will then proceed to Clemency Investigations for the investigative phase. We also began in February an OPS after-hours project utilizing existing FPC staff who signed up to assist our office with screening the 48,000 pending cases.

Staff also eliminated a backlog of over 400 waiver requests which needed to be entered into the data base. Staff is now up-to-date and has commenced screening eligible waivers for the next phase of investigation which is also conducted in Clemency Investigations.

Legal:

Important cases out of the Courts this month involving the Commission include:

1. Johnson, Derrick v. Florida Parole Commission. This case addressed several challenges that had been made by a conditional releasee to his terms, conditions, eligibility, and violations of conditional release. In this case, the Court ultimately held that none of the challenges had merit and the petition was denied.

2. Landry, Mark v. Florida Parole Commission. This is an interesting case because the challenger is currently serving his Life sentence in New Hampshire via Interstate Compact. Mr. Landry challenged the Commission's decision not to reduce his PPRD as recommended by the parole examiner. He also challenged an alleged violation of the Sunshine Act, claiming that since his name was not listed in the Commission's notice, the Commission violated the Law. The Court rejected the argument, acknowledging that public interest is implicated if the inmate receives a reduction in the PPRD and the *victims* were not properly noticed and did not have an opportunity to be heard. However, in Mr. Landry's case, he did not have a reduction in his PPRD and his name was properly published two weeks prior.
3. Peek, Anthony Ray v. Florida Parole Commission, the Court dismissed the case as moot because the Commission took action on the case before it got through the court. We are watching this case closely as Mr. Peek is advancing some interesting legal challenges to the Court's dismissal of his petition.